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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ALAI POE TAUAI,

14 Defendant.

CASE NO. CR11-83-RAJ

DETENTION ORDER RE:  
ALLEGATIONS OF VIOLATION  
OF CONDITIONS OF  
SUPERVISION

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16 THIS MATTER comes on for an initial hearing on the Petition of the United States  
17 Probation Office alleging that the defendant has violated the conditions of supervision.

18 The government appears through Assistant United States Attorney Katheryn  
19 Frierson.

20 The defendant appears personally and represented by counsel, Meriam Schwartz.

21 The U.S. Probation Office has filed (Dkt. 167, 168) a petition and supplemental  
22 report alleging violations #4 through #8 of the terms and conditions of supervision  
23 (terms and conditions imposed by Judge Richard A. Jones, Dkt. 155). Judge James  
24 L. Robart issued a warrant for the defendant's arrest, and the defendant has been  
advised of the allegation(s).

1 Magistrate Judge John L. Weinberg previously released the defendant on bond  
2 pending a revocation hearing concerning the petition on the first set of alleged  
violations #1 through #3. Dkt. 157, 158, 162.

3 The Court schedules a hearing on the petition concerning all violations (1-8) to be  
4 held at the time and date below set forth before Judge Richard A. Jones:

5 Date of hearing: Friday, January 11, 2019

6 Time of hearing: 9:30am

7 IT IS ORDERED that the defendant

8      Be released on an appearance bond, subject to the terms and conditions set forth  
thereon.

9 X Be detained because the defense did not overcome the rebuttable presumption  
10 that Mr. Tauai poses a serious risk of flight and potential for danger to the  
community, and there is no condition or combination of conditions that would  
11 reasonably ensure community safety or Mr. Tauai's appearance for court, including  
the upcoming revocation hearing. 18 U.S.C. Section 3143(a)(1).

12 The Court reviewed the allegations and considered the arguments and information  
presented during the detention hearing. The Court determined that the allegations  
13 are serious and repetitive, indicating failure to report a change in residence, failure  
to report for drug testing, failure to follow instructions to report to the probation  
14 office, failure to follow through with mental health treatment, and failure to follow  
through with drug treatment. The United States Probation Office reports that the  
15 defendant's mental health treatment providers have terminated his treatment  
relationship with them because he has repeatedly failed to show up for  
16 appointments.

17 The defendant has significant ties to the community because of his family who are  
supportive, and he also has a girl friend who is supportive -- yet he does not appear  
18 to be stable -- he is failing to obtain treatment for mental illness and he is failing to  
submit to drug testing. These are important terms of supervised release -- he is  
19 allegedly failing to present himself to probation officers for court-imposed terms of  
supervision (Dkt. 168), does not appear for court hearings because the summons  
20 was returned (Dkt. 166); nor is he safe to be in the community at this time because  
he allegedly is not complying with drug testing or mental health treatment  
21 conditions (Dkt. 157, 168). The defendant apparently has a residence where he can  
stay with his family, yet the defendant has allegedly been away from that residence  
22 and has not been forthcoming with the probation officers concerning his change of  
residence.

23 The defendant is to be delivered as ordered by the Court for further proceedings.  
24 The Court finds that no clear and convincing evidence was presented to support  
release; thus the presumption of detention was not overcome. 18 U.S.C. Section

1 3143(a)(1), CrR 32.1(a)(6), and CrR 46(d). However, the Court notes the defendant  
2 asserts that he has been working, and in the event that there are additional matters  
3 or information that should be considered by the Court regarding defendant's  
detention status, the parties are free to make a motion for reconsideration of the  
detention issue.

4 The clerks shall direct copies of this order to counsel for the United States, to counsel for  
5 the defendant, the United States Marshal and to the United States Probation Office and/or  
6 Pretrial Services Office.

7 Dated this 24 day of December, 2018.

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9 Theresa L. Fricke  
10 United States Magistrate Judge  
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